

Brownstein | Hyatt  
Farber | Schreck

SFUND RECORDS CTR  
2208724

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Steven L. Hoch

FED EX

310.500.4611 tel  
310.500.4602 fax  
Shoch@bhfs.com

Ms. Kathleen Sayler  
U.S. Environmental Protection Agency Region 9  
75 Hawthorne Street  
San Francisco, California 94105

RE: Omega Chemical Corporation Superfund Site, Operable Unit 2, Whittier, CA  
Comments on Pre-publication Draft Feasibility Study

Dear Ms. Saylor:

This letter is submitted on behalf of the Golden State Water Company (GSWC) and contains its comments and observations concerning the Pre-publication Draft Feasibility Study (Draft FS), dated January 2010, which your office was kind enough to provide. We are hopeful that you will take these comments and observations under consideration and make the appropriate changes in the Draft FS before submitting it for public comment. We are prepared to meet with you and discuss the contents of this letter at a mutually convenient date.

Based on our review to date, several of GSWC's wells appear to be, or will be, adversely affected by the contaminations emanating from the Omega Chemical Corporation Superfund Site (Site). As such, GSWC has a direct stake in the possible remediation of the contaminants, and must be included in all stakeholder discussions as this matter further evolves. Indeed, it would appear that EPA knew of this for some time before the initial contact by Ms. Deschambault with GSWC in October of 2009.

Further, based on our review of information to date, GSWC believes that:

None of the solutions offered in the Draft FS serve to protect the groundwater used by GSWC to serve its customers;

No remedy is provided, or even contemplated, for dealing with Site related contamination which has or will impact GSWC's wells;

The basis for the Draft FS is a model that has questionable value in addressing the impacts to GSWC, and;

GSWC's wells should be included in an Operable Unit designated for their protection and/or remediation.

1. Golden State Water Company

(a) GSWC is a Public Water Utility

GSWC is a public water utility in California and is a wholly owned subsidiary of American States Water Company. As a public utility, it is regulated by the Public Utilities Commission of California and provides water to its customers in accordance both with PUC rules and the requirements of the State and Federal Safe Drinking Water Acts. American States Water Company, through its subsidiaries,

provides water service to 1 out of 37 Californians located within 75 communities throughout 10 counties in Northern, Coastal and Southern California (approximately 255,000 customers). In total, GSWC operates 38 community water systems. GSWC's system which overlays some of the Site's plume is known as the GSWC Norwalk Water System (Norwalk System).

The Norwalk System serves portions of the communities of Norwalk, Downey, Santa Fe Springs, La Mirada, and some unincorporated areas of Los Angeles County. GSWC service boundaries for this system are within the areas affected by releases from the Site. There are approximately 9,500 water service connections which consist of homes and commercial and industrial locations. In the Norwalk system there are eight active groundwater wells. These wells supply approximately 65 percent of the systems water needs, the rest of which is water obtained from the Metropolitan Water District. That water, in turn is sourced both from the State Water Project and from the Colorado River, two sources that are under extreme stress.

**(b) Wells Impacted**

Based upon current information, the wells that may have been, are or will be impacted by the contaminants from the Site are listed below as well as their average 2009 pumping rates:

Well Name	State Well Number	2009 Average Pumping Rates (gpm)	Total Acre Feet Pumped in 2009
Pioneer 1	3S/11W-07E01S	533	625.5
Pioneer 2	3S/11W-07E02S	381	404.6
Pioneer 3	3S/12W-12A02S	443	212.0
Dace 1	3S/11W-18G05S	295	164.5
Imperial 1	3S/12W-13A03S	600	214.8
Imperial 2	3S/12W-13A02S	721	616.8
Imperial 3	3S/12W-13A04S	494	441.9

GSWC has supplied other details to the EPA prior to this letter and for safety and security reasons does not duplicate same herein. Further, GSWC has supplied to the EPA information concerning the various contaminant levels in the referenced wells and has permitted EPA; through its contractor CH2MHILL to take samples from the wells which EPA sought access for that purpose. EPA has the results of this testing. GSWC is also currently responding to a CERCLA 104(e) Request for information related to discharges and/or releases on/from the Site.

**2. Important Dates**

Our very basic concern is that GSWC was first approached about this Site and the possible impact on its wells by EPA in late 2009.

Through our investigation of the history of this site, we have learned that, from 1991 through 1994, the California Department of Toxic Substance Control (DTSC), with EPA's Superfund Division support, actively pursued the owner/operator of Omega Chemical Corporation to remove the wastes and clean up its facility. Because the owner/operator failed to address releases and threats of releases of hazardous substances, DTSC requested that EPA's Emergency Response Section assess the need for a removal action. Through this assessment, EPA determined that a removal action was necessary and issued an Action Memorandum on May 3, 1995. On May 9, 1995, EPA issued a Unilateral Administrative Order (UAO) to approximately 170 major generator potentially responsible parties (PRPs), all of whom sent 10 tons or greater of hazardous materials to the Site, to perform removal activities. Due to the significant release of hazardous substances into the groundwater, EPA proposed

the Site for listing on the National Priorities List (NPL) in September 1998. The Site was placed on the NPL on January 19, 1999.<sup>1</sup>

In 2001, EPA began conducting a Fund-lead groundwater investigation in the vicinity of the former Omega Property and in the area downgradient, or generally in a southwest direction, from the "Phase 1A" area to beyond the Santa Fe Springs Well No. 1.<sup>2</sup> This downgradient area is called "Operable Unit Two" or "OU2."

Unfortunately, at that time and for years subsequent thereto, EPA neglected the impact on GSWC's wells and did not seek information or contact with GCWC about this matter.

### **3. Phase 2 Groundwater Study**

This study was completed and published in June 2003. Its specific objectives included:

- Determine the nature and extent of groundwater contamination, primarily in areas downgradient of the Omega Chemical Superfund site.
- Develop a conceptual model of the hydrogeologic conditions in the OU-02 area. (Page 1-1)

Despite this charge, the GCWC wells were not included in the evaluation and thus any conceptual model relating thereto is clearly lacking.

### **4. Remedial Investigation**

The Remedial Investigation (RI) report for OU2 was issued in March 2009. Its stated purpose was to:

"...evaluate the nature and extent of groundwater contamination and to assess the potential risks posed by this contamination to human health and the environment." (Page 1-1)

EPA's contractor, CH2M-Hill, requested data from GSWC on several of the Norwalk System wells in April 2009, after the publication of the RI. It wasn't until EPA contacted GSWC in October 2009 that we were informed that the RI was published earlier in the year. A review of the RI fails to indicate any comment or study performed that dealt with the potential risks relating to the operation of the GSWC wells in question.

### **5. Draft FS**

The Draft FS discusses alternatives that may be employed at OU2. OU2 essentially covers a portion of the plume emanating from the Site. But it does not cover the entirety of the plume's area and specifically does not cover the plume portions which appear to be impacting the GSWC wells referenced above. As noted in the Draft FS it was developed as follows:

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<sup>1</sup>

<http://yosemite.epa.gov/R9/SFUND/R9SFDOCW.NSF/db29676ab46e80818825742600743734/00664a6e0727ce2788257007005e93f1!OpenDocument>

<sup>2</sup> See above.

In accordance with CERCLA, remedial alternatives must be appropriate to site-specific conditions and protective of human health and the environment. The RI/FS process is the established methodology to develop such alternatives. The RI serves as a mechanism to collect data for site characterization. The FS serves as a mechanism to develop, screen, and evaluate remedial alternatives using the data gathered during the RI. (Page 1-1)

The GSWC wells have been, are or will be impacted by the contaminants from the Site. As such, the EPA can not say it is protecting human health and/or the environment by leaving out of any analysis the subject wells. Further, the Draft FS fails to supply any remedy for the impacts of the contamination from the Site, but merely repetitively concludes, inter alia:

- The impacted production wells will require continued wellhead treatment because these wells will continue to extract contaminated groundwater;
- As the plume moves downgradient towards the wells, the concentrations reaching the GSWC wells are expected to increase over time; and,
- Should production from these wells decrease or stop, the remedy will actually perform better.

As to the first and second points discussed above, EPA should be concerned and take all immediate and appropriate action to limit the level of contamination entering the GSWC wells both in amount and nature. The Draft FS does not accomplish this basic requirement.

As to the last point discussed above, EPA should be aware by this time both from this matter and other dealings that GSWC has with EPA, that GSWC will assert its right to pump the groundwater for the beneficial use of its ratepayers. GSWC will not forego the use of its groundwater supply as keeping such a supply in the mix of water used for its customers usage is in their best interests. Thus, alternatives must be developed by the EPA that actually take into account this usage and supply a remedy that not only deals with the contamination, but does so without a loss of well operational capacity.

## **6. Conclusion**

In the short time available to provide you with comments before the draft FS is released for public comment, we have presented some of our general concerns. We intend to provide more in-depth comments during the public comment period. However, we are hopeful that EPA will recognize the limitations of the model now being used, the need to protect GSWC's wells while not impinging in any way on the operation of those wells and take all appropriate action now. Such action should include creating, updating the model being used and including GSWC's wells in the remedy and creating an OU that takes all the public utility wells in the area into consideration.

Ms. Kathleen Sayler  
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Very truly yours,



Steven L. Hoch  
Brownstein, Hyatt Farber Schreck, LLP

cc: David Chang  
Toby Moore  
Stephen Berninger  
Karl Fingerhood  
Lynda Deschambault